



September 13, 2021

VIA ECF

The Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: National Coalition on Black Civic Participation et al. v. Wohl et al., No. 20-cv-8668

Dear Judge Marrero:

Plaintiffs National Coalition on Black Civic Participation, Mary Winter, Gene Steinberg, Nancy Hart, Sarah Wolff, Karen Slaven, Kate Kennedy, Eda Daniel, and Andrea Sferes (collectively “Plaintiffs”) join in the arguments set forth in the letter brief of the Attorney General of the State of New York regarding the applicability of Section 230 of the Communications Decency Act (“CDA 230”) (ECF No. 137), and respectfully request leave to supplement with a letter brief of their own.

The State of New York brought claims against Message Communications, Inc. and Robert Mahanian for the same underlying conduct and through some of the same causes of action as Plaintiffs: violation of the Voting Rights Act and Ku Klux Klan Act. While Plaintiffs have not brought claims against these Defendants at this time, the Court’s adjudication of the present issues may impact Plaintiffs’ ability to amend to bring such claims in the future. Plaintiffs, particularly National Coalition on Black Civic Participation, also have an interest in preventing similar voter intimidation robocalls from being sent in the future. To that end, Plaintiffs have requested declaratory and injunctive relief in their Complaint. The question of whether CDA 230 may immunize a robocall services vendor directly implicates the ability to deter and prevent these harms from recurring.

Accordingly, Plaintiffs seek leave to submit for the Court’s consideration the letter brief attached hereto as Exhibit A.

Respectfully submitted,

/s/ David Brody
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CC: All counsel of record, via ECF